

**Notice of Allowability**

Application No.

09/884,816

Examiner

James H. Zurita

Applicant(s)

HASTINGS ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 25 January 2007.
2. ☒ The allowed claim(s) is/are 43-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 02/05/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

### **Notice of Allowability**

Applicant's submission of 25 January 2007 has been entered.

Applicant submitted new claims 43-60, which are allowed. Claims 43, 49 and 55 are independent claims.

### **Examiner's Amendment**

Please amend the claims as follows.

49. (NEW) A computer-readable medium consisting of volatile and non-volatile memory for estimating how a user would rate a movie that the user has not yet rated, the computer-readable medium carrying instructions which, when executed by one or more processors, ~~cause~~:

identify a set of common movies that have been rated favorably by the user and that have ratings that satisfy a minimum rating threshold;

identify one or more other users that have rated the set of common movies and given ratings for the set of common movies that are substantially similar to ratings given by the user for the set of common movies; and

estimate how the user would rate the item that the user has not yet rated by determining a similarity between the set of common movies and the item that the user has not yet rated,

wherein determining the similarity between the set of common movies and the movie that the user has not yet rated includes by-comparing the ratings given by the one or more other users for the set of common movies to ratings given by the one or more other users for the movie-that the user has not yet rated.

59. (NEW) The ~~computer implemented method~~apparatus as recited in Claim 55, wherein the estimator mechanism is further configured to compare an average of the ratings given by the one or more other users for the set of common movies to ratings given by the one or more other users for the movie that the user has not yet rated.

### **Reasons for Allowance**

Applicant's amendment and remarks of 25 January 2007 are persuasive.

An updated search was carried out on 10-16 April 2007.

The prior art does not disclose and does not reasonably teach and suggest the combination of features present in each independent claims, including the steps of

### **Discussion of Closest Prior Art**

The closest US patent is previously cited Chislenko, US 6041311. However, Chislenko does not disclose and does not teach and suggest whether the additional information is information other than the ratings themselves. Similarly, Chislenko does not teach or suggest comparing the ratings given by the neighboring users for the item to be recommended to the ratings given by the neighboring users for the items used to select the neighboring users.

The closest foreign patent is Sack, WO/009105307A1, published 18 April 1991, international classification G06F15/21, which discloses methods of evaluation consumer choice. Sack does not disclose and does not teach and suggest whether the additional information is information other than the ratings themselves. Similarly, Sack does not teach or suggest comparing the ratings given by the neighboring users for the item to be recommended to the ratings given by the neighboring users for the items used to select the neighboring users.

The closest non-patent literature is "Leading Online E-Commerce and Entertainment Retailers Endorse Andromedia's LikeMinds Personalization Server 3.0, Business Editors/High-Tech Writers. Business Wire. New York: Jul 15, 1999, 4 pages, downloaded from ProQuest on the Internet on 16 April 2007. The article provides an overview of assignee's recommendation system, but does not provide details.

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LikeMinds does not disclose and does not teach and suggest whether the additional information is information other than the ratings themselves. Similarly, LikeMinds does not teach or suggest comparing the ratings given by the neighboring users for the item to be recommended to the ratings given by the neighboring users for the items used to select the neighboring users.

### **Comments by Applicant**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**James Zurita**  
**Primary Examiner**  
**Art Unit 3625**  
16 April 2007

*James Zurita*  
*Primary Examiner*